



## FACT SHEET: Keeping All Students Safe Act

The Idaho Council on Developmental Disabilities supports the current proposed federal legislation “Keeping All Students Safe Act”. This proposed legislation would establish federal minimum safety standards limiting the use of restraint and seclusion on all students. Currently there are two proposals, Senate Bill 2036 and House Resolution 1893, before Congress. Both bills cover students within public, and private, early childhood, elementary, and secondary schools receiving federal education funds. **The Council is asking Council members, parents, people with disabilities, school personnel and others to ask their Idaho Senators and Representatives to support the “Keeping All Students Safe Act”.**

The Council’s support of “Keeping All Students Safe Act” legislation is based primarily on a current and on-going need for minimum safety standards to protect Idaho students. Disability Rights Idaho, the Idaho statewide Protection and Advocacy System, keeps a record of calls they receive related to “Inappropriate Discipline”. Although DRI does not identify “Restraint and Seclusion” separately from other school discipline issues, the Director of Advocacy pulled the following information related to restraint and seclusion of Idaho students for this fact sheet.

- A mom reported that two teachers restrained her child, leaving bruises on both arms. The restraint was used though no behavior plan was developed. Parents had been seeking services for some time before this incident.
- A mother reported that her child was sent to the “recovery room” 4 or 5 times a day for 30 to 40 minutes each time. He received no educational related curriculum at these times.
- A staff person stated that the “quiet/safe room” was being used inappropriately for punishment. He was instructed to pick up a child and remove him to the room without “saying a word.”
- A grandmother observed her non-verbal grandchild at the back of the classroom, mechanically restrained in his chair. When she asked why this occurred, school personnel stated the student was having “issues”.

The Council’s support of the “Keeping All Students Safe Act” bills is also based on a history of seeking such protection for Idaho students. In 2008, the Council was involved in a task force that addressed issues related to the use of restraints and seclusion with students with disabilities. The task force made recommendations to the Idaho State Department of Education. The State Department of Education then proposed rules to the Idaho Legislature in 2009. However, because a federal bill was introduced the same year, the proposed rules were withdrawn pending federal guidance. The federal legislation did not pass and the state has taken no further action at this time.

Because of this work, the Council did adopt a [Position Statement on Aversives](http://icdd.idaho.gov/policy/position.html). (This statement is currently available on the Council’s website at <http://icdd.idaho.gov/policy/position.html>.)

The two federal versions of the current “Keeping All Students Safe Act” are not exactly the same. However, they do both establish minimum standards that limit the use of restraint and seclusion, allow

the use of restraint only in emergency circumstances, require parental notification, require training of school personnel, and promote school-wide strategies to improve school climate.

Senate Bill 2036 “Keeping All Students Safe Act” requires each state educational agency and local educational agency (LEA) that receives federal funds to prohibit school personnel, contractors, and resource officers from subjecting students to: (1) seclusion, (2) mechanical or chemical restraint, (3) aversive behavioral intervention that compromises student health and safety, or (4) physical restraint that is life-threatening or contraindicated based on the student's health or disability status.

SB 2036 requires school personnel imposing physical restraint to: (1) be trained and certified by a state-approved crisis intervention training program, though others may impose such restraint in certain instances when trained personnel are not immediately available; and (2) engage in continuous face-to-face monitoring of the restrained student.

This bill also requires that: (1) a debriefing session to be held as soon as practicable; (2) the affected student to be given an opportunity to discuss the event with a trusted adult who will communicate the student's perspective to the debriefing session group; and (3) the state educational agency, the local education agency, local law enforcement, and the designated protection and advocacy system serving an affected student to be notified within 24 hours of any death or bodily injury that occurs in conjunction with efforts to control a student's behavior.

For more information concerning the current use of restraints and seclusion in schools and the consequences of such use, you may want to review the following documents.

***2012: School is Not Supposed to Hurt: The U.S. Department of Education Must Do More to Protect School Children from Restraint and Seclusion***

[http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School\\_is\\_Not\\_Supposed\\_to\\_Hurt\\_3\\_v7.pdf](http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School_is_Not_Supposed_to_Hurt_3_v7.pdf)

**How Safe Is The Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies**

<http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>

Please contact the following and ask them to support “Keeping All Students Safe Act” legislation, either HR 1893 or SB 2036.

Congressman Mike Simpson	202-225-5531	<a href="http://simpson.house.gov/contact">http://simpson.house.gov/contact</a>
Congressman Raul Labrador	202-225-6611	<a href="https://labradorforms.house.gov/email-me">https://labradorforms.house.gov/email-me</a>
Senator Mike Crapo	202-224-6142	<a href="http://www.crapo.senate.gov/contact/email.cfm">www.crapo.senate.gov/contact/email.cfm</a>
Senator Jim Risch	202-224-2752	<a href="http://www.risch.senate.gov/public/index.cfm?p=Email">www.risch.senate.gov/public/index.cfm?p=Email</a>

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